

February 26, 2007

**Senate Bill 497**

**Relating to: assistant district attorney positions and making an appropriation.**

Testimony of Adam Gerol, Assistant District Attorney, Ozaukee County, Wisconsin District Attorney's Association, Executive Board Member

A few months ago I testified before the Joint Committee on Audit following the publication of LAB's report on District Attorney staffing. Prosecutors across Wisconsin had been eagerly anticipating this report and weren't disappointed. The Report clearly stated that Wisconsin needs at least 130 more prosecutors. The Report also held that the workload assessment created in the early 1990s that measures staffing needs for prosecutors is not only relevant, it likely understates Wisconsin's need for more prosecutors because it doesn't take into account all the law changes made in the last 10 -15 years.

We believed the Report's findings would help us communicate the dire state of our program to the decision makers. We understood that our budgetary "Needs Assessment" calculations carried little currency with the legislature but here was objective proof that our program simply has insufficient staffing to meet its mission. For the sake of clarity we de-emphasized one fundamental error within the report and that flaw, unfortunately has now become abundantly clear. The Report was flawed in that it assumed the number of Prosecutors in Wisconsin was stable. It is not and hasn't been for the last 15 years. The terribly secret is that too many of the existing FTE DA positions are impermanent grant positions. And now the rug is being pulled out from under whatever stability we may have appeared to have. The grants aren't being renewed.

I know that at every hearing witnesses commonly fold pleas for greater resources into their testimony. I also know that you are struggling to find a way to make this budget work with the means at hand. Wisconsin's DA's have been good team players in that regard – probably too good. I remember too well the budget environment of only a few years ago which resulted in the termination of 15 prosecutors when most other agencies avoided losses altogether and those others made do through attrition and delayed hiring. Now an even greater threat is at the door because we, as a

State, have been meeting our justice system obligations – community protection -- by living off the largess of someone else's money.

Its fair to expect agencies to do more with less but these expectations must come with a cost benefit analysis – what are the downsides to insufficient staffing? What can we gain and what is the outside risk of harm?

Victims grow out of bad prosecution. Human beings are damaged -- robbed, frightened, and injured. Criminals aren't held accountable. Courtrooms slow to a crawl because there aren't enough prosecutors to make the necessary court appearances. DA's Offices can't find the time to prosecute whole classes of crime that the legislature has so carefully crafted.

I know that none of you, personally, wants to see this happen. I also know that this is the last thing our constituents want to see happen as well. How can I be so sure of this?

Last year a survey in my County found that public safety and victims rights were the highest public concern. I'm confident that a statewide survey would also rank safety and criminal justice as the greatest concern for everyone in Wisconsin. This is obvious from one simple fact. The decision to hire law enforcement is most often made at the municipal and county level. Some say that decisions made at the very grass roots reflect the dearest sensibilities of the constituents because they are made closest to them. From 1993 through 2003 Wisconsin's population increased 10.2 percent while the number of law enforcement officers grew 14.5 percent. Over that same time frame the number of GPR DAs grew by only 4.28 percent.<sup>1</sup> Over this same time frame the number of arrests in Wisconsin grew by 21.7 percent. Please note that this was before recorded interrogations, statutory victim's rights procedures and a variety of other complex matters we now face.

Arrests alone do very little for public safety – they actually accomplish nothing without an appropriate disposition. This can't happen without prosecutors. The very best police work is useless without prosecutors. Prosecutors who have the time to analyze the cases before them, the experience to weigh those worthy of prosecution and the talent to make good arrests stick in court.

Our statistics tell us that close to two thirds of all court filings involve DA's Offices – in other words 420 lawyers are responsible for managing the majority of all the case filings in the entire state.

In private practice there's a saying that no lawyer makes money by being in court. The truth behind this aphorism is that the most important work is done at a lawyers desk. For prosecutors this means really understanding your cases before they're filed and seeing the legal issues before they're raised in court. In common parlance this is called 'moving the work instead of letting the work move you.' Prosecution in Wisconsin has devolved into getting the cases filed because you can no longer see your desk, running into court with a giant stack of cases – or for a motion hearing which you have never seen before, and studying a case file at night after 'story time' because at the end of the day it was the one in the stack that was selected to be tried the next day.

Yet, considering all of this we do a pretty remarkable job. But for how much longer? We still seem to be attracting good candidates out of law school to fill our openings. But clearly we can't keep them. New hires leave within the first five years. Why should they stay? The reality is that the public defender will pay \$40 an hour to do cases, the federal system will pay even more. Court appointed work legal work pays \$70 an hour. With that guaranteed work available, what lawyer is likely going to stay in a field where there is no promise of progressing through a very modest payscale? Across the State DA's are walking into courtrooms where they are the lowest paid participants. The earnings of private attorneys dwarf ours but we also find that Judges, court reporters and the police commonly earn more than the DA as well.

I have been an Assistant District Attorney for over 15 years. I am honored every time I go to court and get to say "The State appears by Adam Gerol." Yet at night I go home to my wife and very young daughters and I ask myself "How am I going to give them the education that my parents gave me?" I worry that if our 8 year old van breaks down my kids simply won't be able to continue in same school they're in now. I know full well the price my skills carry on the open market and to paraphrase one of my colleagues 'At what point does my pride in my profession come at the expense of being a bad parent?'

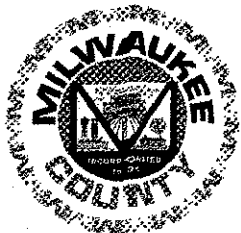
The crisis at hand is not of your making but the consequences fall inevitably at your feet. The prosecutors who will speak to you today will uniformly say that we are already overwhelmed. We are bright, we are motivated and committed but there simply is not enough time to keep a handle on our work. There is also no financial incentive for prosecutors to remain in the field long enough to learn to cut corners. The confluence of these two realities is the wolf at our doorstep.

We all know that some things are worth investing in. This Bill doesn't solve the problem – but it will stop one more threatened erosion of the DA Program. It will protect people, not just in Milwaukee and Dane County but across Wisconsin, in places like Waukesha, Ozaukee and Washington Counties because criminals don't stay put. It will also save the largest county's justice system from a staggering blow.

Justice is not served by going backwards on DA staffing. Public safety and fairness can only be ensured through investment in the DA Program. We hope that is next.

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<sup>i</sup> Other prosecutors were also added to individual counties through program revenues and grants. Many, if not most of these positions are not funded indefinitely and in fact these types of positions lose their funding every year. Most grants are only available for specialized prosecutors and all but very few counties are simply too small to dedicate a prosecutor to only one type of crime and be capable of managing the paperwork and reporting requirements that grant funded positions are conditioned upon.



COUNTY BOARD OF SUPERVISORS

# *Milwaukee County*

February 26, 2008

Senator Lena C. Taylor  
Chair, Senate Committee on Judiciary, Corrections, and Housing  
State Capitol, Rm. 415S  
P.O. Box 7882  
Madison, WI 53707-7882

Members, Senate Committee on Judiciary, Corrections, and Housing  
P.O. Box 7882  
Madison, WI 53707-7882

Dear Chairperson Taylor and Committee Members,

We, members of the Milwaukee County Board of Supervisors, ask that the Senate Committee on Judiciary, Corrections, and Housing quickly approve Senate Bill 497 authored by Senator Jim Sullivan. Passage of this state legislation is needed because Congress recently cut federal funding for the Edward Byrne Justice Assistant Grant Program. Because of these federal cuts, 21 Assistant District Attorney (ADA) positions in Wisconsin are slated for elimination. Sixteen of the ADA positions being threatened are based in Milwaukee County. Senate Bill 497, co-authored by Representative Tony Staskunas, would provide \$900,000 in emergency funding to preserve these crucial crime-fighting positions.

We ask the State to approve SB 497 or take other actions to restore funding for the state prosecutor positions that are to be eliminated due to the federal funding cuts. Approval of this bill is vital in helping prosecutors combat crime in our neighborhoods and preserve our quality of life.

There is already a lack of experienced ADA positions in Milwaukee County. Layoffs of these positions are in addition to the prosecutor staffing shortfalls identified in a July 2007 report from the Legislative Audit Bureau. That report indicated that there is a statewide shortfall of up to 132 prosecutorial positions based on the current workload. Whether it's preventing domestic violence cases or keeping violent criminals off of our streets, it's imperative that we properly staff these crime-fighting positions. Further cuts could result in caseloads reaching unmanageable levels and threaten the efficient administration of justice in our community.

That's why we respectfully ask the members of the Senate and the Assembly to provide this necessary emergency funding to avoid these drastic cuts. Action must be taken now.

Sincerely,

Willie Johnson Jr.

Low M. Clark

[Signature]

James Rie

[Signature]

Jim "Luz" [Signature]

[Signature]

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cc: Milwaukee County State Legislative Delegation  
Governor Jim Doyle  
Milwaukee County Executive Scott Walker  
Milwaukee County District Attorney John Chisholm  
Senator Jim Sullivan  
Representative Tony Staskunas  
Joint Committee on Finance



Tom Barrett  
Mayor

Bevan K. Baker, CHE  
Commissioner of Health

**Health Department** Milwaukee Commission on Domestic Violence and Sexual Assault

Frank P. Zeidler Municipal Building, 841 North Broadway, 3rd Floor, Milwaukee, WI 53202-3653 phone (414) 286-2997 fax (414) 286-8174  
web site: [www.milwaukee.gov/health](http://www.milwaukee.gov/health)

**Committee on Judiciary, Corrections, and Housing**  
**SB 497 – District Attorney Positions**  
**February 26, 2008**

Wisconsin's criminal justice system is currently facing serious challenges. Today you are in the unique position of preventing a devastating loss to communities who seek justice for victims of violence and accountability for those who perpetrate violent crime. Along with Mayor Barrett and our Common Council, the City of Milwaukee's Commission on Domestic Violence and Sexual Assault urges you to support Senate Bill 497 - the district attorney emergency funding legislation. This bill is urgently needed and necessary to maintain the current level of prosecutors throughout the State of Wisconsin.

The Milwaukee Commission on Domestic Violence & Sexual Assault was created by the Common Council of the City of Milwaukee in 1979 in order to promote public policy, coordinate systems response and support service delivery that address intervention and prevention of interpersonal and sexual violence. Over thirty organizations are represented on the Commission. As a group we see tens of thousands of people who are impacted by domestic violence, sexual assault and child abuse each year. Many of these persons rely on the criminal justice system for help. Legal advocacy, civil and criminal justice system intervention for victims of domestic violence and sexual assault have been proven to be one of the most effective and essential tools to ending the violence in their lives.

Domestic violence and sexual assault are serious crimes with significant consequences for victims, their families and our communities. According to a study by the National Institute of Justice and Centers for Disease Control and Prevention, 1.5 million women are either raped or physically assaulted by their partners each year. Each year, several million American children witness family violence in their homes.

The criminal justice system is an important segment of our community's broad response to domestic violence and sexual assault. The long-term partnership of many of the Commission members with the Milwaukee County District Attorney's Office is based in the understanding that the people we serve and the various programs across the State of Wisconsin desperately depend upon this system for justice and safety in their lives.

Aggressive prosecution of sexual assault and domestic violence crimes sends the message that this type of violence is unacceptable in our community. If these crimes are not confronted, violence will continue because offenders will believe that the community tolerates their violent behavior.

Supporting this legislation and adequately funding these critical positions ensures that a foundational piece of the criminal justice system remains in tact. If this legislation does not pass and prosecutor positions are not retained, it's very possible that fewer abusers will be held accountable for their violent behavior. The people we serve along with the community will suffer greatly.

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*Think Health. Act Now!*

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The Milwaukee Commission on Domestic Violence and Sexual Assault urges you to accept this important legislation and join the many organizations that know through experience, that without prosecutors the criminal justice system will not work and if the system does not work, victims will not be well served in our community and the State of Wisconsin.

Respectfully,

Jan Singer, MSW, LCSW

Chair of the Milwaukee Commission on Domestic Violence and Sexual Assault



## SB 497 Hearing

February 26, 2008

Tim Baxter

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I would like to take this opportunity to thank Senators Sullivan and Darling and the other legislators who have signed onto this bill. On October 18, 2007, I sat in front of the Joint Legislative Audit Committee and used words like "crisis" and "urgent". I was, of course, referring to the LAB Audit released in July, 2007, which found that the Wisconsin District Attorney program statewide was short by approximately 130 prosecutors.

While we in the business have recognized the understaffing problem for many years, it seemed to always have fallen by the budgetary wayside. This was no more evident than about four years ago, when instead of receiving resources to help alleviate our prosecutorial shortfall, we were told that there would be 15 positions, resulting in the loss of approximately 19 live prosecutors, cut from an already overburdened system. It was nothing short of a destructive blow.

When the LAB Report came out, it showed what we all expected. But in addition to that, it brought to light how damaged our prosecutorial system was to many who may not have realized that. It was no longer individual DA's clamoring for additional resources for their respective offices. The LAB Report is a very good first step in the process of fixing our situation. It shows, unequivocally, that full funding and prosecutor retention are needed to get Wisconsin's criminal justice system functioning at the level

that it should be. We all felt that the situation could not be more dire, but at least it was now being recognized.

Now, less than ½ year after that hearing, I am again testifying, but this time using words like “emergency” and “critical”, because it has become more dire. When the Federal Budget was submitted which called for a drastic reduction in Byrne Grant funds, a now devastating blow was again leveled on our profession. Mr. Jeff Greipp and Mr. Adam Gerol will follow me with the specific numbers and percentages, and you will see how the LAB Report’s determined number of an approximately 130 prosecutors shortfall would balloon to upward of 170. They will explain how a certain number of prosecutors slated to be cut in actuality could double, and then some.

As President of the Wisconsin District Attorneys Association, I forwarded Sen. Sullivan’s proposal and a memo of support to all DA’s offices in the State. I encouraged and urged that every DA’s office support this. Predictably, I received comments back from several D.A.’s in counties that have been determined by the LAB Report to be significantly understaffed, that SB 497 does nothing for them and only addresses the needs of a small number of counties primarily located in Southeast Wisconsin. I recognized this and acknowledged this. “Why should we support this bill which would provide for the retention of program funded prosecutors in only a few counties when my county, as per the LAB report, shows to be severely understaffed”? This is a valid question.

SB 497 will have absolutely no impact on my county, Crawford County. It will have no impact on the majority of individual counties throughout the State, many of which already have severe understaffing problems.

Regardless, I have urged those D.A.'s, and I urge any legislator whose constituents and districts are unaffected by this legislation NOT to take such a microscopic view of SB 497.

Should the Byrne Grant cuts remain in the Federal Budget, and should SB 497 fail, the direct effect would be that domestic violence prosecutors in some counties, and in some cases, entire domestic violence divisions, would be eliminated. Drug prosecutors in other counties would be eliminated. In my view, the reason we cannot look at this microscopically is that a domestic assault victim in Milwaukee, or Racine, or Waukesha, is the same as a domestic assault victim in Prairie du Chien, or Antigo, or Baileys Harbor. The dealer selling dope to our children is the same in Madison and Hudson as it is in Platteville or Hurley.

And while I can absolutely assure you, we as a profession will not, under any circumstances, stop or 'give up' prosecuting these offenses citing workload and short staff, the real effect will be that instead of falling onto prosecutors in those affected counties dedicated solely to that specialty of prosecution, the cases will fall onto the desks of the remaining prosecutors, to be handled accordingly. And they will be handled, as efficiently and expertly as possible as their already burgeoning and now increasing case load will allow. I hear comments to the effect that "we're all prosecutors and should be able to, expected to, handle all types of criminal cases". I cannot argue with that.

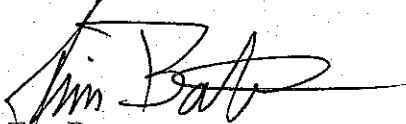
But when you are dealing with specialty prosecution such as funded by Byrne grant, you cannot escape the fact that these prosecutors are *specialists* at their respective areas of prosecution. Would you want an orthopedic surgeon to perform your splenectomy? Would you want me, a career prosecutor from the first day out of law

school, drafting your trust and estate documents? While the ortho and I would probably be able to figure it out, you would want those important affairs handled by as expert a person in that field as possible. The same is true with the battered domestic assault victim, or the parent of the child now hooked on meth.

Already nearly unmanageable case loads for the remaining prosecutors will become even more congested. Cases will take longer to be evaluated, prosecuted, and cleared. Wisconsin has taken the a position with respect to victims to elevate their rights to a Constitutionally protected status. The impact on those victim rights by potentially losing entire domestic violence and drug prosecution programs in some counties must be viewed as unacceptable on a complete statewide basis.

This is nothing short of an emergency, critical situation. I cannot support strongly enough the passage of SB 497.

Thank you.

A handwritten signature in black ink, appearing to read "Tim Baxter", with a stylized flourish extending to the right.

Tim Baxter  
Crawford County District Attorney  
President, Wisconsin District Attorneys Association

To: Senate Committee on Judiciary, Corrections and Housing

From: Carmen Pitre, Executive Director – Task Force on Family Violence

Re: Senate Bill 497

Date: February 26, 2008

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As the Executive Director of the Task Force on Family Violence (TFFV), I join the Wisconsin Coalition Against Domestic Violence and others in urging you to support the district attorney emergency funding legislation proposed by Senator Jim Sullivan. This legislation is urgently needed and necessary to maintain the current level of prosecutors in each county in the State of Wisconsin.

Sexual assault, domestic violence, dating violence, and stalking affect every area of a survivor's life and the impact of this violence is felt in the home, workplace, schools and every arena of life.

Domestic violence is a serious crime with significant consequences for its victims and our community. According to a study by the National Institute of Justice and Centers for Disease Control and Prevention, 1.5 million women are either raped or physically assaulted by their partners each year. In addition, each year, more than 10 million American children witness family violence in their homes, and 40% of teenage girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend.

Legal advocacy and civil/criminal justice system intervention for victims of domestic violence has been proven to be one of the most effective and essential tools to ending the violence in their lives. Failure to address this need can contribute to abusers' power to keep victims dependent on them and trapped in the relationship.

Among other systems, the criminal justice system is an important part of our community wide response to domestic violence. Our long term partnership with the Milwaukee County District Attorney's Office is grounded in the understanding that our clients and the clients of programs across the State of Wisconsin desperately depend upon this system for justice and safety in their lives.

The prosecution of domestic violence cases is one way a community can hold abusers accountable for their abusive behavior. Prosecution of these crimes also sends the message that this type of violence is unacceptable in our community. If these crimes go unaddressed, at the very least abusers are more emboldened to continue their violent behavior and at its worse the children in these homes get the message that violence is tolerated.

For over 30 years the TFFV has served clients under the guiding principles that people have the right "to live a life free from violence" and maintain equality in their interpersonal relationships. Guided by these fundamental principles, we have concentrated our efforts at both an individual client level and within the wider social institutions and systems, such as the workplace, and criminal justice and child welfare systems, where positive client outcomes can either be enhanced or impeded. We have continued our commitment to addressing the larger systems impacting victims' lives by partnering

with the Milwaukee County District Attorney's Office and others in our community dedicated to ending domestic violence.

The Milwaukee County District Attorney's Office is committed to effectively prosecuting domestic violence crimes. The DA's Office has been a leader in our coordinated community response since the 1970's and an integral part of our community strategy for increasing victim safety and offender accountability.

Prosecution of domestic violence crimes is an important and successful part of each community's strategy to address domestic violence and one that has had proven results.

At the TFFV we see thousands of clients who are impacted by domestic violence, sexual assault and child abuse each year. Many of our clients rely on the criminal justice system for help. Simply stated, without prosecutors the system will not work and if the system does not work victims will not be well served in our community and the State of Wisconsin.

By supporting this legislation, you will help to ensure that a core piece of the infrastructure of the criminal justice system remains in tact. If this legislation does not pass and prosecutor positions are not retained, our clients will suffer and abusers will no longer be held accountable for their abusive behavior.

I urge you to consider this important legislation. You can also contact me at 414-276-1911 if you have questions about our support of this legislation, our work with the District Attorney's Office or the work of the TFFV.



## Wisconsin Coalition Against Sexual Assault, Inc.

600 Williamson St., Suite N2 • Madison, Wisconsin • 53703  
Voice/TTY (608) 257-1516 • Fax (608) 257-2150 • [www.wcasa.org](http://www.wcasa.org)



TO: Senate Committee on Judiciary and Corrections  
FROM: Mike Murray, Policy Specialist, Wisconsin Coalition Against Sexual Assault, Inc.; [mikem@wcasa.org](mailto:mikem@wcasa.org)  
RE: **WCASA Support for SB 497- District Attorney Funding Bill**  
DATE: February 26, 2008

As the statewide advocacy voice for sexual assault service providers and victims of sexual violence in Wisconsin, the Wisconsin Coalition Against Sexual Assault strongly urges you to support SB 497, which would prevent the layoff of 21 district attorneys throughout the state of Wisconsin. WCASA would like to thank Senator Sullivan for his leadership on this important issue.

SB 497 is necessary because the 2008 Federal Budget Appropriations recently passed by Congress slashed funding for the Edward Byrne Justice Assistance Grant (JAG) Program by 68% as compared to 2007 levels, which would necessitate the layoff of 21 district attorneys in Wisconsin. This loss in federal funding comes on the heels of the October 2007 Wisconsin Legislative Audit Bureau (LAB) study of the Wisconsin state prosecutors' program that revealed that Wisconsin has at least 117 fewer assistant district attorneys (DAs) than it needs to effectively prosecute crimes.

WCASA is concerned about how DA layoffs in the context of the current DA shortage will affect victims of sexual assault and community safety. Adequately staffed district attorney offices are essential for sexual assaults to be effectively and quickly prosecuted. Wisconsin simply cannot afford to lose 21 more DA's within the context of the current DA shortage. DA shortages can lead to delayed justice for victims of sexual assault, for whom the rigors of the criminal justice system are often acutely difficult to bear. It takes an enormous amount of courage for victims of sexual assault to come forward and report an assault. Every bit of delay in the process is time during which a victim cannot begin to heal and find closure.

Anywhere from 70-80% of sexual assaults are never reported to police. This means that the vast majority of perpetrators are never held accountable and the vast majority of victims never receive a measure of justice from our legal system. One of the primary reasons why victims are reluctant to report is the fear that the perpetrator will not be held accountable. DA shortages and layoffs reinforce this fear.

We should do everything we can to help ensure that as many victims as possible come forward and that they are treated with dignity and compassion. Behind every sexual assault case that is delayed due to DA shortages is a victim who has sacrificed privacy and

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# Memo



To: Members of the Senate Committee on Judiciary, Corrections & Housing

From: Josh Freker, Policy Director, WCADV, 608-255-0539 or [joshf@wcadv.org](mailto:joshf@wcadv.org)

Date: February 26, 2008

Re: Testimony in support of SB 497

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Thank you for providing an opportunity to share my organization's perspective on SB 497. I represent the Wisconsin Coalition Against Domestic Violence (WCADV), which is the statewide voice for victims of domestic violence and the local programs in every county of our state that serve them. We thank Sen. Jim Sullivan for sponsoring SB 497, which would prevent drastic cuts to key district attorney staff positions across Wisconsin. We fully support this legislation and feel strongly that it merits urgent action.

It wasn't all that long ago that advocates working to help battered women and their children could not rely on the responsiveness of law enforcement and prosecutors. They relied heavily on shelters and private networks of safe houses offered by volunteers. Domestic violence was considered a private affair and was not considered a crime. Of course, things have dramatically changed for the better since that time. With good laws on the books, lawmakers who continue to champion our cause, and a much more educated society, many domestic violence victims know they can come forward when the time is right for them to seek services. And if they choose, they can seek justice by holding their batterers accountable. In Wisconsin today prosecutors around the state are partners with us in the effort to help victims achieve safety. However, we now face a drastic roll back of our progress. This poses a great risk to victims across the state.

Due to significant cuts to the federal Edward Byrne Justice Assistance Grant program, 21 district attorney positions across the state will be lost unless lawmakers pass SB 497 in a timely manner. Milwaukee County alone would lose 16 positions, which seriously jeopardizes the domestic violence unit there. These cuts will have an immediate impact on the ability of domestic violence victims to seek safety and hold batterers accountable. Victims who have the ability to seek help through the criminal justice system already face a wrenching endurance test as the details of their lives become part of sometimes lengthy institutionalized processes. If we lose these essential prosecutor positions, these victims will face even longer waits and less system responsiveness. In turn, we will almost certainly find that fewer victims seek the assistance they need and remain in violent, even potentially lethal, situations.

Everyone, including my organization, is well aware of the budget deficit facing our state, and we are sympathetic to the efforts of lawmakers to scrutinize every dollar spent. However, SB 497 would authorize funding that is nothing short of essential to the safety of victims and the overall safety of our communities.

We urge you to offer your full support for SB 497.





STATE OF WISCONSIN  
DEPARTMENT OF JUSTICE

J.B. VAN HOLLEN  
ATTORNEY GENERAL

Raymond P. Taffora  
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TTY 1-800-947-3529

February 26, 2008

TO: The Honorable Members of the Senate Committee on Judiciary, Corrections and Housing

FR: Attorney General J.B. Van Hollen

RE: 2007 Senate Bill 497

Dear Senators:

I write today in support of Senate Bill 497. To understand why this bill is important, it is important to understand what it is prosecutors do every day to enhance public safety. It is also important to understand that prosecutor offices are systematically understaffed. This decade, as the state's population and criminal prosecutions have increased, the number of prosecutors has decreased. Understaffing prosecutor offices jeopardizes the fair, efficient, and just enforcement of our laws, and is a condition that must be addressed.

I have been a prosecutor for almost my entire career. Prior to becoming Attorney General, I was an Assistant U.S. Attorney at the federal level, a District Attorney in two different counties and the U.S. Attorney for the Western District of Wisconsin. Just as it is essential to have law enforcement on the ground to respond to criminal activity and investigate crime, the work we do as trained, experienced and professional prosecutors is fundamental to public safety in every part of this state.

It is not enough to have laws on the books that criminalize sexual assault, domestic violence, crimes against children, or unlawful firearms possession. Those laws must be enforced. It takes people such as law enforcement to investigate and prosecutors to prosecute these crimes. We must also enforce our laws that criminalize non-violent crimes, such as identity theft, drug possession, and retail theft.

The work we do as prosecutors is more than showing up at trial. It involves

- preparing for those trials;
- participating in pretrial proceedings designed to ensure fair trials;
- interviewing witnesses and victims;
- working with law enforcement to ensure the thoroughness of investigations;
- carefully evaluating criminal complaints for prosecutorial merit;
- notifying victims of their rights.

Our work is more than putting people behind bars. It includes

- seeking restitution for victims;
- making sure that only the *right* people are prosecuted;
- ensuring that criminal proceedings are fair;
- recommending *appropriate* sentences;
- educating law enforcement;
- working with communities to develop non-traditional approaches aimed at reducing crime and recidivism.

Prosecutors are not zealous advocates for the state. They are advocates for justice.

This work takes dedicated professionals. As a state, we do not have enough of these professionals. In July of last year, the Wisconsin Legislative Audit Bureau confirmed something that most of us who have dedicated our lives to this mission knew. Prosecutors' offices throughout the state are significantly understaffed. Using a weighted caseload formula, the report showed that the state is understaffed by 132 prosecutors.

Though the dedicated professionals that make up district attorneys' offices throughout the state are committed to doing their job and doing it well, this strain on resources creates a situation where prosecutors must spend their time reactively. They end up spending too much of their time, during and after business hours, doing what they *must* do and not enough of what they *can* and *should* do to protect public safety and victims' rights.

Unfortunately, the strain on prosecutor resources is only growing. Recent cuts to federal funds are exacerbating a situation that is already critical. I believe the primary reason state and local government exists is for public safety. Without public safety personnel, those who act lawlessly infringe upon the freedoms of those who act lawfully. Business activity declines and communities are fractured.

Public safety is a priority that should be reflected in how taxpayer money is spent. This includes adequate funding of our prosecutors, our law enforcement officers and others who directly enhance public safety everyday. Budget shortfalls are not an excuse to underfund budget priorities, but rather an opportunity to reexamine what it is we believe that government should do and spend limited resources accordingly.

Emergency legislation such as Senate Bill 497 to patch yet another hole that has been created by federal budget cuts is one step – and an important one. This bill, however, is only a makeshift stopgap to ensure that a large problem will not grow larger. It is not a long-term fix to the structural understaffing of prosecutors that exists statewide. I am very pleased the Legislature is looking seriously at this problem as a statewide problem. I appreciate and acknowledge your work. There is more work to be done and I look forward to helping you find solutions.